

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED
02 JUL 31 AM 10:50
U.S. DISTRICT COURT
N.D. OF ALABAMA

THEOPHYLUS BATTLE,

Petitioner,

v.

WARDEN R. HOOKS and THE
ATTORNEY GENERAL OF
THE STATE OF ALABAMA,

Respondents.

CIVIL ACTION NO. 01-B-1153-S

ENTERED
JUL 31 2002

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed without prejudice. An appropriate order will be entered.

DONE, this 30th day of July, 2002.

Sharon Lovell Blackburn
SHARON L. BLACKBURN
UNITED STATES DISTRICT JUDGE